

THE CITY OF WARWICK
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER ARTICLE

APPENDIX A
ZONING

No..... Date.....

Approved..... Mayor

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF WARWICK
H A FISHER HOMES, LLC and FIRST BAPTIST CHURCH OF WARWICK,
PETITIONERS

Be it ordained by the City of Warwick:

Section I. The Zoning Map and the Record Book of Lot Classifications which are a part of the Zoning Ordinance of the City of Warwick are hereby amended by changing the classification of the following described premises from Residential A-40 to Residential A-40 PDR.

Lot 4 on Assessor's Plat 231 as said plat appeared in the Tax Assessor's office on December 31, 2014 is hereby changed from Residential A-40 to Residential A-40 PDR. The Lot is set forth in the legal description and on the map attached hereto as Exhibit A.

Subject to the following conditions and stipulations:

- 1) The residence or the accessory dwelling unit shall not be rented or leased unless the property owner resides on-site.
- 2) The Homeowners' Association shall have sole responsibility for the repair and maintenance of the shared driveway and the David Bennett Historic Cemetery No. 130, and providing access to Cemetery No. 130 and the Open Space, all of which are shown on the approved Master Plan dated 3/31/2014.
- 3) The RIDEM on-site wastewater treatment system (OWTS) design shall be restricted to a total of four (4) bedrooms, with the single family house designs to be limited to either three (3) bedrooms in the main house and one (1) bedroom in the accessory dwelling or four (4) bedrooms in the main house without the option of an accessory dwelling unit.

1 4) There shall be no alterations to the restrictions in the Homeowners' Association
2 documents relative to the accessory dwelling unit, property residency requirements and/or the
3 maintenance of the common driveway unless authorized by the Planning Board and the City
4 Council.

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6 Section II. The Clerk of the Zoning Board of Review is hereby authorized and directed to cause said
7 changes to be made on the Zoning Map and the Record Book of Lot Classifications.

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9 Section III. This Ordinance shall take effect upon passage and publication as prescribed by law.
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18 SPONSORED BY: COUNCILMAN MEROLLA
19

20 COMMITTEE: LAND USE
21

William DePasquale, Jr., AICP
Planning Director




Scott Avedisian
Mayor

CITY OF WARWICK
Planning Department
3275 Post Road, Annex; Warwick, RI 02886
Tel. (401) 738-2000 Ext. 6289
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MEMORANDUM

TO: Honorable Donna Travis, Council President
Warwick City Council Members
Judy Wild, City Clerk

FROM: William J. DePasquale, Jr. AICP
Planning Director 

DATE: September 1, 2015

SUBJECT: Planning Board Recommendation/Zone Change
Assessor's Plat 231, Assessor's Lot: 4
Cowesett Road

APPLICANT: HA Fisher Homes, LLC

Project Scope

To meet the changing demographics of the City, the Comprehensive Plan recognizes the need for the City to provide and facilitate the development of varied housing types to address the City's aging population. Additionally, the Comprehensive Plan recognizes that the modern household formation now includes adult "children" returning home after college and/or with their own families. To address this, the applicant is requesting an innovative design concept of single family dwellings with an option to build an attached accessory dwelling unit, with separate access to a single level living unit.

To preserve and protect Open Space, the Applicant is proposing a cluster design subdivision of a 21.98 acre site to create (8) eight new lots; (6) six new single family residential dwellings with the potential for (6) six additional accessory dwelling units and (2) two new Open Space lots, not for development. The site will be accessed via a new street with a sidewalk on one side only.

To accommodate the Aging in Place design concept the Applicant is requesting a City Council Zone Change from A-40/Residential to A-40/Planned District Residential, to allow for the development of (6) six new single family residential dwellings with the potential for (6) six additional accessory dwelling units, for a maximum of twelve potential dwelling units.

Planning Department Findings

At the August 20, 2014 regularly scheduled Planning Board meeting the Board found this proposed Zoning Amendment to be generally consistent with Article 1 "Purposes and General Statements of the City's Development Review Regulations, and:

1. That the proposed development is generally consistent with the Comprehensive Community Plan, specifically *Chapter 7, Housing and Neighborhoods* which details the demand for diverse housing types and the City's diverse housing needs; and *Chapter 12, Future Land Use Zoning and Urban Design*, which specifically calls for the preservation of environmentally sensitive lands, and park land and to connect them in a network when possible, and generally consistent with the existing neighborhood, having lots within the 400' radius that meet or exceed the requirements of the A-40 Zoning District and large tracts of Open Space recreational land.
2. In compliance with the City's Comprehensive Plan and the principles as proposed in the Comprehensive Plan update, including the Goals and Policies Statement, the Land Use Element, the Open Space, Recreation, and Natural Resources Element and the Historic Preservation Element.
3. That the Applicant is proposing a six (6) foot wide sidewalk located along one (1) side of the roadway and cul-de-sac.
4. That in 1995, the property received an approval for a (14) fourteen lot subdivision with related improvements known as Princeton Estates.
5. That in 2000 the property was sold to the First Baptist Church which subsequently received approval for a 400 seat auditorium, a school, an outdoor amphitheater and outdoor recreational facilities; along with parking for 250 vehicles.
6. That the Applicant is requesting an innovative design concept of single family dwellings with the potential for attached accessory dwelling units, with separate access for a single level living design.
7. The Applicant is proposing the A-40 Planned District Residential, within an A-40 Cluster Design Subdivision to preserve and protect Open Space.

The Planning Board also found the proposed zoning amendment to be generally consistent with the following purposes of the City's Zoning Ordinance, as presented in Section 100, "Title and Purpose."

- 103.1 Promote the public health, safety and general welfare of the City.
- 103.2 Provides for a range of uses and intensities of use appropriate to the character of the City and reflect current and future needs.
- 103.3 Provides for orderly growth and development, which recognizes:
 - A.) The goals and patterns of land use contained in the Comprehensive Plan of the city of Warwick.

- B.) The natural Characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface (water) or groundwater pollution
 - C.) The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands
 - D.) The values of unique valuable natural resources and features
- 103.5 Provide for the protection of the natural, history, cultural, and scenic character of the City or areas therein.
- 103.8 Promote a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe and sanitary housing, including opportunities for the establishment of low and moderate income housing.

Additionally, the proposal was reviewed by the following City Departments and Commissions: Public Works, Building, Water, Sewer, Tax Assessment/Collection, Fire, Police, Warwick Land Trust, Conservation Commission, Cemetery Commission, Harbor Management and Historic District Commission, all expressing no comments or concerns.

Ms. Stenhouse, seconded Ms. Pisaturo, made a motion to adopt the Planning Department's findings and to forward a favorable recommendation to the Warwick City Council for the requested zone change from A-40 Residential to A-40 Planned District Residential (PDR), with the following stipulations:

1. That the Residence or the Accessory Dwelling Unit shall not be rented or leased, unless the Property Owner resides on-site. The Homeowner's Association shall enforce this restriction and the Applicant shall provide Association Documents, Restrictive Covenants and Deed Restrictions that shall reflect the Association's authority, to enforce the residency requirement.
2. That the Homeowner's Association shall have sole responsibility over the repair and maintenance of the shared driveway, access to Cemetery No. 130, and Open Space access, as well as for the maintenance and upkeep of the David Bennett Historic Cemetery No. 130, as shown on the approved Master Plan dated 3/31/2014.
3. That the RIDEM-On-Site Wastewater Treatment System (OWTS) design shall be restricted to a total of (4) bedrooms, with the single family house designs to be limited to either (3) bedrooms in the main house and (1) one bedroom in the accessory dwelling or (4) bedrooms in the main house without the option of an accessory dwelling unit.
4. That there shall be no alterations to the Homeowner Association Document's Restrictive Covenants, relative to the accessory dwelling unit, Property residency requirements and/or the maintenance of the common driveway, unless authorized by the Planning Board and the City Council.

PETITION REQUESTING AN AMENDMENT TO THE ZONING
ORDINANCE OF THE CITY OF WARWICK

To the Honorable City Council of Warwick:

Respectfully represent: h.a. Maher Homes, LLC

who furnishes the following information in connection with (his-her) request for an
Amendment to the Zoning Law.

Amendment to the Zoning Law:

1. Ownership of Premises: First Baptist Church of Warwick

(Name)

(Address)

(Furnish name of title owner of property and address of owner)

2. Description of Premises: Plat No. 231 Lot(s) No. 4

Street Cowasset Road Ward 9

(Furnish Assessor's Plat and Lot numbers and Name of Street and Ward,
Number)

3. Present Zoning Classification: A-40

Planned District Residential (PDR)

4. Zoning Change Requested w/ waivers as shown on Exhibit A

5. Reasons for Proposed Change: To allow the development of 6 new Single
Family Residential Dwellings w/ the potential for attached accessory
dwellling units for a total of not more than 2 dwelling units per Lot

WHEREFORE, it is respectfully requested that the Zoning Law be amended by
changing the Zoning Classification of the above described premises from _____

Respectfully Submitted,
h. a. Maher Homes, LLC

By: [Signature]
(Signature of Owner and Petitioner)

Respectfully Submitted,
First Baptist Church of Warwick

By: [Signature]
(Signature of Owner and Petitioner)

EXHIBIT A

THE PRESERVE AT COWESETT – A single family cluster development with Casita

308 overlay district regulations-Planned district residential (PDR) and planned district residential limited (PDR-L)

Zoning Section 308.2 PDR Design Standards

Section 308.2.C – Relation to utilities and public facilities **Section 308.2(C) – Public Sewers - Relief** requested from 308.2(C) shall be required for all Developments of ten (10) dwelling units or more and shall be installed by the applicant. *(The development includes 6 new dwelling units on six separate lot and dwelling having the ability to include an attached accessory dwelling unit. In no case shall a dwelling on an individual lot with or without an accessory unit contain more than 4 bedrooms served by a RIDEAM approved 4 bedroom OWTS (onsite wastewater treatment system). In the field the homes will appear as single family dwellings served by a OWTS which will be consistent with the appearances septic service found in the surrounding area.)*

Section 308.2.E – Off Street Parking and Landscaping – Relief requested from 308.2.E. "No outdoor parking space is permitted within any required front or corner side yard and no outdoor parking space or driveway is permitted within 15 feet of any residential building. No outdoor parking space or driveway is permitted within 10 feet of any property line. A ten-foot-wide border of grass, vegetation, or other live ground cover is required around the entire perimeter of the site, except for any curb cuts." *(The layout would be typical of a single family subdivision with the structure and parking located on (6) separate lots)*

Section 308.2.G – Screening - Relief requested from 308.2.G. "Fences, walls and/or vegetative screening shall be provided along the edges of PDR overlay districts, to protect residents or visitors such developments from undesirable views, glare, noise, or other off-site influences or to protect residents or visitors in adjoining residential districts from similar adverse influences within the PDR overlay district. In both cases, screening shall be designed to control existing or potential adverse views from existing or potential first floor residential windows in the PDR overlay district or other residential districts." *(The layout would be typical of a single family subdivision with the structure and parking front side and rear yards located on (6) separate lots)*

Section 308.2.G – Yards – See section 308.3 relief requirements below

Section 308.3 – Development Standards – Relief requested from 308.3 Development Standards for Planned District Residential (PDR)

Minimum Lot Area – 160,000 sf (23,500 sf requested)

Minimum Frontage -- 300 ft (100 ft requested)

Minimum Lot Width -- 300 ft (100 ft requested)

Minimum Front and Corner Side Yard -- 45 ft (25 ft requested)

Minimum Side Yard -- 35 ft (15 ft requested)

Minimum Rear Yard -- 45 ft (40 ft requested)

Maximum Structure Height -- 35 ft (no relief requested)

Minimum Landscaped Open Area -- 30% (no relief requested)

The definition in Section 200.2 "Accessory Family Dwelling Unit" – An Accessory Family Dwelling Unit for the sole use of one or more members of the family of the occupant or occupants of the principal residents, and shall not have a separate means of ingress and egress.

1. Either the Primary Dwelling or the Casita must be Owner Occupied
2. The size of the Casita shall be limited to not more than 800 SQ FT and not more than 1 bedroom; the Casita will be attached to the Primary Dwelling
3. The Primary Dwelling and the Casita will be approved for a total of not more than a 4 bedroom OWTS

MULTI-GENERATIONAL LIVING

Pew Research Center, a Non-Partisan American Think Tank, based in Washington, D.C., that provides information on social issues, public opinion and demographic trends, shaping the United States and the World, has studied what is referred to as “Multi-Generational Living” and has stated that a record 57,000,000 Americans (or 18.1% of the population of the United States) lived in multi-generational family housing in 2012, double the number who lived in such households in 1980.

Young adults ages 25-34 have been a major component of the growth and population living with multi-generation since 1980, and especially since 2010. By 2012, roughly 1 in 4 of these young adults (23.6%) lived in multi-generational households, up from 18.7% in 2007 and up from 11% in 1980.

Historically, the Nation’s oldest Americans have been the age group most likely to live in multi-generation households. In recent years, the younger adults have surpassed older adults in this regard. In 2012, 22.7% of adults aged 85 and older lived in multi-generational households, just shy of 23.6% of adults aged 25-34 in the same situation.

h. a. Fisher Homes has studied these trends as revealed by Pew Research Center and affirmed by other Research Centers and some of the large home builders in the United States, and have concluded that the way we live together is changing. A growing number of families are finding themselves in multi-generational homes, as adult children continue living with their parents or aging parents move in with their children. Often, these living arrangements are the result of financial issues or, for many family, there are cultural and personal reasons for maintaining close family ties. To make things easier and more comfortable, builders are designing Casitas, which are small guest homes attached to the main house. One of the biggest benefits of a Casita is the extra space it provides. Valuable rooms within the main home – be it a home office, craft room, home gym, or storage – is lost with the addition of extra family members.

Space is an obvious issue when it comes to multi-generational living, but so is the need for privacy. Casitas address both issues, providing a home within a home. This allows for privacy and independence which can be important, especially for family members who may have been used to living on their own.

EXHIBIT A

Starting at a certain point located 210.000 feet, southerly from southerly line of Cowesett Road, on the Westerly line of the here in described parcel which is bounded westerly by land owned, now or formerly, by Jessie P. Dawley, Jr; thence turning and running in a general easterly direction, bounded northerly by Robert G. Olson, a distance of 230.000 feet, more or less to a point; thence turning an interior angle of $264^{\circ}-41'-33''$ and running in a general northerly direction, bounded westerly by said Olson land, a distance of 172.570 feet, more or less to the P.C. of a certain curve having a radius of 25.0 feet and a delta angle of $95^{\circ}-18'-27''$; thence turning and running in a general northerly and westerly direction, bounded westerly and southerly by said Olson land, along the arc of said curve, a distance of 41.586 feet, more or less to the P.T. of said curve; thence turning and running in a general easterly direction bounded northerly by said Cowesett Road, a distance of 57.092 feet, more or less, to and angle in said Cowesett Road; thence turning and interior angle of $182^{\circ}-16'-29''$ and running in still a general easterly direction, still bounded Northerly by said Cowesett Road, a distance of 42.537 feet, more or less to the P.T. of a certain curve having a radius of 25.0 feet and a delta angle of $82^{\circ}-25'-04''$; thence turning and running in a general westerly and southerly direction, bounded southerly and easterly by another parcel of land owned by the same Robert G. Olson, along the arc of said curve, a distance of 35.962 feet, more or less, the P.C. of said curve; thence turning and running in a general southerly direction, bounded easterly by said Olson Parcel of distance of 178.107 feet, more or less, to a point; thence turning an interior angle of $277^{\circ}-16'-44''$ and running in a general easterly direction, bounded northerly by the same Olson land as previously mentioned, a distance of 242.975 feet more or less, to a point; thence turning an interior angle of $86^{\circ}-24'-21''$ and running in a general southerly direction, bounded easterly by land owned, now or formerly, by Harold C. Miner Et Ux a distance of 110.972 feet, more or less, to a drillhole in a wall; thence turning an interior angle of $252^{\circ}-30'-21''$ and running in a general easterly direction, bounded northerly by said Miner land, a distance of 245.143 feet, more or less, to a point; thence turning an interior angle of $180^{\circ}-01'-12''$ and running in still a general easterly direction, bounded northerly by land owned, now or formerly by William A. Reynolds Et Ux, for a distance of 206.969 feet, more or less, to a point; thence turning an interior angle of $267^{\circ}-54'-48''$ and running in a general northerly direction, bounded westerly by said William Reynolds land, for a distance of 327.490 feet, more or less, to a drillhole; thence turning an interior angle of $77^{\circ}-18'-33''$ and running in a general easterly direction, bounded northerly by said Cowesett Road, a distance of 24.892 feet, more or less, to a drillhole; thence turning an interior angle of $114^{\circ}-52'-12''$ and running in a general southerly direction, bounded easterly by land owned, now or formerly, by the Narragansett Electric Company, a distance of 400.000 feet, more or less, to a point; thence turning an interior angle of $192^{\circ}-57'-09''$ and running in still a general southerly direction, bounded easterly by land owned now or formerly, by the Narragansett Electric Company, a distance of 181.546 feet, more or less to an angle point; thence turning an interior angle of $143^{\circ}-37'-54''$ and running in a general southerly direction bounded easterly by land owned previously by Prestige Homes, Inc. but now of the Narragansett Electric Company, a distance of 1508.162 feet, more or less, to a point thence turning an interior angle of $35^{\circ}-45'-51''$ and running northerly bounded westerly by land owned now or formerly, by Jessie P. Dawley, Jr., a distance of 162.781 feet, more or less, to a drillhole; thence turning an interior angle of $178^{\circ}-50'-01''$ and running still

in a general northerly direction, bounded westerly by the said aforementioned Dawley land, a distance of 326.666 feet, more or less, to a drill hole; thence turning an interior angle of $180^{\circ}-11'-02''$ and running still in a general northerly direction, still bounded westerly by said Dawley Land, a distance of 18.41 feet, more or less, to a drillhole; thence turning an interior angle of $179^{\circ}-31'-27''$ and running still in a general northerly direction, still bounded westerly by said Dawley land, a distance of 385.070 feet, more or less, to a stake; thence turning an interior angle of $178^{\circ}-45'-51''$ and running in a general northerly direction, still bounded westerly by said Dawley land, a distance of 138.795 feet, more or less, to a stake; thence turning an interior angle of $181^{\circ}-41'-11''$ and running in a general northerly direction, still bounded westerly by said Dawley land, a distance of 229.748 feet to a stake; thence turning an interior angle of $180^{\circ}-28'-10''$ and running still in a general northerly direction, bounded westerly by said Dawley land a distance of 161.894 feet, more or less, to a stake; thence turning an interior angle of $216^{\circ}-43'-29''$ and running in a general westerly direction, bounded southerly by said Dawley land, a distance of 20.061 feet, more or less, to a drill hole; thence turning an interior angle of $207^{\circ}-31'-22''$ and running in a general westerly direction bounded southerly by said Dawley land, a distance of 55.35 feet, more or less, to a drill hole; thence turning an interior angle of $178^{\circ}-32'-52''$ and running in still a general westerly direction, bounded southerly by said Dawley land, a distance of 139.020 feet, more or less, to a drill hole; thence turning an interior angle of $111^{\circ}-59'-45''$ and running in a general northerly direction, bounded westerly by said Dawley land, a distance of 144.893 feet, more or less, to a drill hole; thence turning an interior angle of $176^{\circ}-53'-46''$ and running in still a general northerly direction bounded westerly by said Dawley land, a distance of 137.446 feet, more or less, to the point and place of beginning. The first described course and the last described course create an interior angle of $95^{\circ}-18'-27''$ by their intersection.

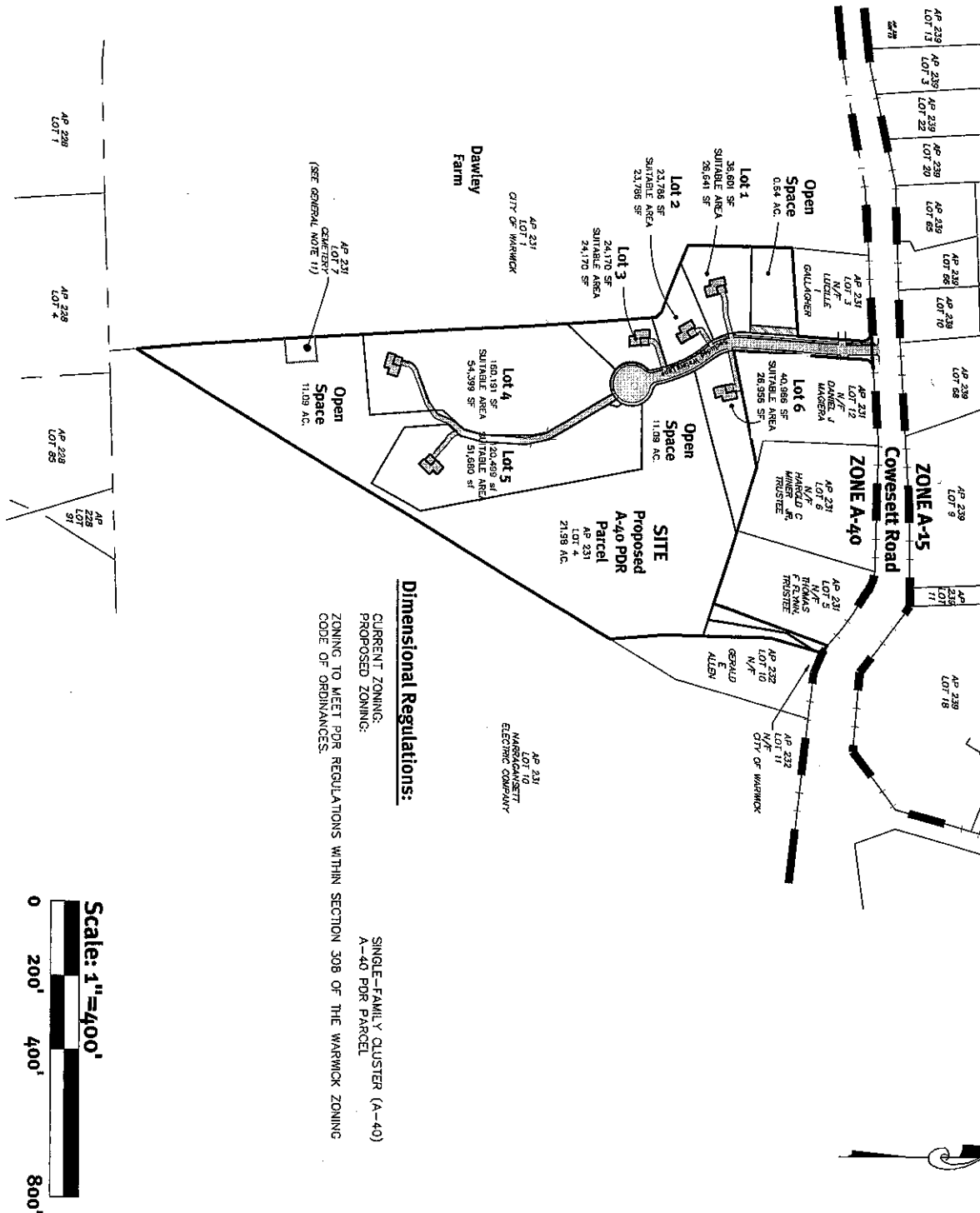
PARCEL TO CONTAIN 22.927 ACRES.

Rights of others in and to cemetery.

The above described parcel of real estate is situated in the City of Warwick, County of Kent and State of Rhode Island.

EXCEPTING THEREFROM that certain lot or parcel of land as set forth in deed from Prestige Homes, Inc., a Rhode Island Corporation to Daniel J. Magiera and Jean B. Magiera, recorded in the land evidence records in the City of Warwick in Book 462 at page 888.

Subject Property: Cowesett Road
Warwick, RI



Proposed Site Plan The Preserve at Cowesett

Warwick, Rhode Island

Applicant

H.A. Fisher Homes

831 Bald Hill Road, Warwick, Rhode Island 02886

Date:
7-29-15



DiPrete Engineering

Two Stafford Court Cranston, RI 02920

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Engineers • Planners • Surveyors